IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 6TH DECEMBER 2007 / 15TH AGRAHAYANA 1929

Bail Appl..No. 7470 of 2007(C)

(CRIME NO. 8/2007 OF ERNAKULAM TOWN SOUTH POLICE STATION)
.....

PETITIONER/ACCUSED NO.7:

M.H.HABEEB, AGED 43 YEARS,S/O. HAMSA,
H.NO.03/309, EERAVELI ROAD, CHERLAIKADAVU,
MATTANCHERRY.

BY ADV. SRI.SIRAJ KAROLY.

RESPONDENT/COMPLAINANT:

STATE OF KERALA, REP. BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06/12/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.7470 of 2007

Dated this the 6th day of December, 2007

ORDER

Application for regular bail. Petitioner is the 7th accused in a crime registered for offences punishable, inter alia, under Section 420 and 406 r/w 34 I.P.C. The petitioner was arrested and he remains in custody from 07.10.07. The alleged incident took place on 30.12.06. The defacto complainant was allegedly deceived by fraudulent representation of the accused persons in collusion that gold at less than the market rate can be sold to him with the involvement of customs officials. He was thus allegedly deprived of an amount of Rs.10 lakhs by the miscreants. The petitioner also had a crucial role, allegedly, in the commission of the crime.

2. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that the petitioner can now be enlarged on bail on identical conditions as were imposed on a co-accused when he, who is also similarly placed, was enlarged on bail as per order

dated 6.11.07 in B.A.No.6797 of 2007. In the absence of opposition, it is not necessary for me to advert to facts in greater detail. This order must be read in continuation of the order referred above.

3. In the result, this application is allowed. The petitioner shall be released on bail on the following terms and conditions.

i) The petitioner shall execute a bond for Rs.1,00,000/- (Rupees One lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m and 12 noon on all Mondays and Fridays for a period of three months;

iii) The petitioner shall not, during the said period of three months, leave the Sessions Division of Ernakulam, without the prior permission of the learned Magistrate.

(R.BASANT, JUDGE)

rtr/-